

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF MARYLAND**

DIAGNOSTIC RESOURCE GROUP, L.L.C.	*	
PLAINTIFF	*	Case No.: 02-CV-3020-RDB
VS.	*	(removed from Baltimore County Circuit Court
TOSHIBA AMERICA MEDICAL SYSTEMS, INC.	*	Case #03-C-02-006016)
DEFENDANT	*	

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**ANSWER AND OPPOSITION TO DEFENDANT TOSHIBA'S MOTION FOR  
SUMMARY JUDGMENT AND CROSS MOTION FOR SUMMARY JUDGMENT**

Now comes Plaintiff, Diagnostic Resource Group, L.L.C., by its counsel, Samuel Sperling and the Law Office of Leonard J. Sperling, and answers and opposes the Motion for Summary Judgment filed by the Defendant, and cross moves for Summary Judgment and for reasons in support thereof states that pursuant to Rule 56 of the Federal Rules of Civil Procedure there are no disputed issues of material fact entitling Defendant to judgment as a matter of law, and, to the contrary, the facts indicate that Plaintiff is entitled to judgment as a matter of law as to liability. Plaintiff incorporates by reference all facts, exhibits and arguments in the attached Memorandum and Exhibits, and in prior pleadings filed by the Plaintiff.

WHEREFORE, your Plaintiff respectfully prays that the Defendant's Motion for Summary Judgment be denied, and the Plaintiff's Cross Motion for Summary Judgment be GRANTED.

Respectfully Submitted,

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Samuel Sperling  
Bar Number 024135  
Law Office of Leonard J. Sperling  
1777 Reisterstown Road  
Commercentre West Suite 212  
Baltimore, Maryland 21208  
410-653-0141  
Counsel for Plaintiff

**PRAYER FOR HEARING**

Plaintiff respectfully prays that this matter be set in for a hearing before this Honorable Court.

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Samuel Sperling  
SS24135

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**CERTIFICATION OF SERVICE**

This is to certify that on this July 25, 2003, a copy of this Answer and Opposition to Defendant Toshiba's Motion for Summary Judgment and Cross Motion for Summary Judgment was sent by first class mail, postage pre-paid to Brooke R. Schumm, III, Esquire, Counsel for Defendant.

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Samuel Sperling  
SS24135

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FOR THE DISTRICT OF MARYLAND**

DIAGNOSTIC RESOURCE GROUP, L.L.C.

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PLAINTIFF

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Case No.: 02-CV-3020-RDB

VS.

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(removed from Baltimore County  
Circuit Court

TOSHIBA AMERICA MEDICAL  
SYSTEMS, INC.

\*

Case #03-C-02-006016)

DEFENDANT

\*

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**ORDER**

Upon consideration of the Motions for Summary Judgment:

IT IS HEREBY ORDERED, this \_\_\_\_\_, 2003, by the United States District  
Court for the District of Maryland that the Motion of the Plaintiff shall be GRANTED, and that the  
Motion of the Defendant shall be DENIED.

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Judge